

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Brian K. Grumbling
Patricia Grumbling
aka Patty Grumbling, fdba Grumbling's Detailing Shop
Debtor(s)

Bankruptcy Case No.: 18-70245-JAD
Issued Per Oct. 11, 2018 Proceeding
Chapter: 13
Docket No.: 33 - 2
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated April 3, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,245 as of October 2018. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: PA Department of Revenue at Claim No. 1; I.R.S. at Claim No. 2; PA Department of Labor and Industry at Claim No. 5 .
- ☒ H. Additional Terms: The secured claims of Toyota Motor Credit Corp. at Claim No. 3 and Claim No. 4 shall govern as to claim amount, to be paid at the modified plan terms.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: October 17, 2018

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Brian K. Grumbling
 Patricia Grumbling
 Debtors

Case No. 18-70245-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7

User: jhel
 Form ID: 149

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 Total Noticed: 45

Date Rcvd: Oct 17, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 19, 2018.

db/jdb +Brian K. Grumbling, Patricia Grumbling, 300 11th Street, Windber, PA 15963-1559
 14804374 +Affirm Inc, Affirm Incorporated, Po Box 720, San Francisco, CA 94104-0720
 14804375 +Apex Bank f/k/a Bank of Camden, 435 Montbrook Lane, Knoxville, TN 37919-2704
 14804377 +Associated Credit Services, Inc., P.O. Box 5171, Westborough, MA 01581-5171
 14804378 Bob Burnworth, Windber, PA 15963
 14804379 +Cambria Thrift Consumer Discount Co., 112 Market Street, Johnstown, PA 15901-1609
 14804380 +Capl/dbarn, Capital One Retail Svcs/Attn: Bankruptcy, Po Box 30258,
 Salt Lake City, UT 84130-0258
 14861631 +Chan Soon-Shiong Medical Ctr @ Windber, 600 Somerset Ave., Windber, PA 15963-1331
 14804382 +Citi Cards, P.O. Box 6500, Sioux Falls, SD 57117-6500
 14804383 +Comcast, P.O. Box 3002, Southeastern, PA 19398-3002
 14804389 #+Eastern Revenue, P.O. Box 185, Southeastern, PA 19399-0185
 14804390 +Encore Payment Systems, 3801 Arapaho Road, Addison, TX 75001-4314
 14804394 +First Data, 5565 Glenridge Connector Ne, Ste 2000, Atlanta, GA 30342-4799
 14804393 +First Data, 1 Western Maryland Parkway, Hagerstown, MD 21740-5146
 14804395 +First National Credit Card/Legacy, First National Credit Card, Po Box 5097,
 Sioux Falls, SD 57117-5097
 14804396 +First Savings Credit Card, Po Box 5019, Sioux Falls, SD 57117-5019
 14866202 +FirstEnergy/Penelec, 101 Crawford's Corner Rd., Bldg. #1 Suite 1-511,
 Holmdel, NJ 07733-1976
 14804398 +Holiday Financial Serv, 1451 Scalp Ave Ste 1, Johnstown, PA 15904-3334
 14804400 +James R. Moore, D.D.S., J. Craig Moore, D.M.D., P.C., 111 Industrial Park Road,
 Johnstown, PA 15904-1940
 14804403 +Penelec, P.O. Box 3687, Akron, OH 44309-3687
 14804404 ++REMIT CORPORATION, P O BOX 7, BLOOMSBURG PA 17815-0007
 (address filed with court: Remit Corporation, P.O. Box 7, Bloomsburg, PA 17815)
 14804405 ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
 (address filed with court: Toyota Motor Credit, 4 Gatehall Drive, Suite 350,
 Parsippany, NJ 07054)
 14818614 +Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013
 14804406 +Windber Area Authority, 1700 Stockholm Avenue, Windber, PA 15963-2061
 14804407 +Windber Medical Center, ATTN: Cashier, 600 Somerset Avenue, Windber, PA 15963-1397

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14804376 +E-mail/Text: bnc-applied@quantum3group.com Oct 18 2018 02:34:12 Applied Bank,
 P.O. Box 17120, Wilmington, DE 19886-7120
 14820199 +E-mail/Text: ra-li-ucts-bankhbg@state.pa.us Oct 18 2018 02:34:38 COMMONWEALTH OF PA UCTS,
 DEPARTMENT OF LABOR AND INDUSTRY, COLLECTIONS SUPPORT UNIT, 651 BOAS STREET, ROOM 702,
 HARRISBURG, PA 17121-0751
 14804381 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Oct 18 2018 02:32:09
 Capital One Bank, N.A., P.O. Box 71083, Charlotte, NC 28272-1083
 14804384 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Oct 18 2018 02:33:26 Comenity Bank/kingsi,
 Attn: Bankruptcy, Po Box 182273, Columbus, OH 43218-2273
 14804385 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Oct 18 2018 02:33:27 Comenity Bank/womnwt,
 Attn: Bankruptcy Dept, Po Box 182125, Columbus, OH 43218-2125
 14804386 +E-mail/Text: RVSVCBICNOTICE1@state.pa.us Oct 18 2018 02:33:37 Commonwealth of Pennsylvania,
 Department of Revenue, Strawberry Square, Fourth & Walnut Streets,
 Harrisburg, PA 17128-0001
 14804387 +E-mail/Text: abovay@creditmanagementcompany.com Oct 18 2018 02:34:13
 Credit Management Company, Attn: Bankruptcy, 2121 Noblestown Rd,
 Pittsburgh, PA 15205-3956
 14804388 +E-mail/Text: bankruptcy@sccompanies.com Oct 18 2018 02:33:10
 Dr. Leonard's Shop Now Pay Plan, P.O. Box 2852, Monroe, WI 53566-8052
 14804391 +E-mail/Text: bknotice@ercbpo.com Oct 18 2018 02:34:01 Enhanced Recovery Co., LLC,
 8014 Bayberry Road, Jacksonville, FL 32256-7412
 14804392 +E-mail/Text: bnc-bluestem@quantum3group.com Oct 18 2018 02:34:18 Fingerhut, P.O. Box 1250,
 Saint Cloud, MN 56395-1250
 14804397 +E-mail/Text: bnc-bluestem@quantum3group.com Oct 18 2018 02:34:18
 Gettington Customer Service, 6250 Ridgewood Road, Saint Cloud, MN 56303-0820
 14804399 E-mail/Text: cio.bncmail@irs.gov Oct 18 2018 02:33:21 Internal Revenue Service,
 Centralized Insolvency Operation, P.O. Box 7346, Philadelphia, PA 19101-7346
 14804401 +E-mail/Text: pschmadel@soundimaginggroup.com Oct 18 2018 02:34:36
 Lowry Radiology Associates, Inc., 1113 Lowry Avenue, Suite 2, Jeannette, PA 15644-3072
 14862845 E-mail/Text: bkr@cardworks.com Oct 18 2018 02:33:10 MERRICK BANK,
 Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368
 14804402 E-mail/Text: bkr@cardworks.com Oct 18 2018 02:33:10 Merrick Bank, P.O. Box 5721,
 Hicksville, NY 11802
 14833862 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 18 2018 02:32:12
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 14804865 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 18 2018 02:31:50
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

District/off: 0315-7

User: jhel
Form ID: 149

Page 2 of 2
Total Noticed: 45

Date Rcvd: Oct 17, 2018

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

14805576 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Oct 18 2018 02:33:38
Pennsylvania Department of Revenue, Bankruptcy Division, PO Box 280946,
Harrisburg PA 17128-0946
14859119 E-mail/Text: bnc-quantum@quantum3group.com Oct 18 2018 02:33:30
Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
14857904 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Oct 18 2018 02:42:43 Verizon,
by American InfoSource LP as agent, PO Box 248838, Oklahoma City, OK 73124-8838
TOTAL: 20

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr PA Dept of Revenue
cr Toyota Motor Credit Corporation
cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14861008* +Cambria Thrift Consumer Discount Company, 112 Market Street, Johnstown, PA 15901-1609
14818616* +Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013
TOTALS: 2, * 3, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 19, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 17, 2018 at the address(es) listed below:

CSU - OUCTS, PA Labor & Industry ra-li-ucts-bankpitts@state.pa.us
James Warmbrodt on behalf of Creditor Toyota Motor Credit Corporation bkgroup@kmlawgroup.com
Joseph Jasper Swartz on behalf of Creditor PA Dept of Revenue RA-occbankruptcy2@state.pa.us,
RA-occbankruptcy6@state.pa.us
Kenneth P. Seitz on behalf of Debtor Brian K. Grumbling thedebterasers@aol.com
Kenneth P. Seitz on behalf of Joint Debtor Patricia Grumbling thedebterasers@aol.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 7